

ASSEMBLY BILL

No. 1686

Introduced by Assembly Member Blakeslee

February 22, 2005

An act to amend Section 834b of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1686, as introduced, Blakeslee. Law enforcement agencies: cooperation with federal authorities.

Existing law, added by initiative and able to be amended by the Legislature by a 2/3 vote of each house, provides that every law enforcement agency in California shall fully cooperate, as specified, with the United States Immigration and Naturalization Service regarding any person who is arrested if he or she is suspected of being present in the United States in violation of federal immigration laws.

This bill would make technical, nonsubstantive changes to this provision.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 834b of the Penal Code is amended to
- 2 read:
- 3 834b. (a) Every law enforcement agency in California shall
- 4 fully cooperate with the United States Immigration and
- 5 Naturalization Service regarding any person who is arrested if he
- 6 or she is suspected of being present in the United States in
- 7 violation of federal immigration laws.

1 (b) With respect to any ~~such~~ person who is arrested, and
2 suspected of being present in the United States in violation of
3 federal immigration laws, every law enforcement agency shall do
4 the following:

5 (1) Attempt to verify the legal status of ~~such~~ *the* person as a
6 citizen of the United States, an alien lawfully admitted as a
7 permanent resident, an alien lawfully admitted for a temporary
8 period of time or as an alien who is present in the United States
9 in violation of immigration laws. The verification process may
10 include, but shall not be limited to, questioning the person
11 regarding his or her date and place of birth, and entry into the
12 United States, and demanding documentation to indicate his or
13 her legal status.

14 (2) Notify the person of his or her apparent status as an alien
15 who is present in the United States in violation of federal
16 immigration laws and inform him or her that, apart from any
17 criminal justice proceedings, he or she must either obtain legal
18 status or leave the United States.

19 (3) Notify the Attorney General of California and the United
20 States Immigration and Naturalization Service of the apparent
21 illegal status and provide any additional information that may be
22 requested by any other public entity.

23 (c) Any legislative, administrative, or other action by a city,
24 county, or other legally authorized local governmental entity with
25 jurisdictional boundaries, or by a law enforcement agency, to
26 prevent or limit the cooperation required by subdivision (a) is
27 expressly prohibited.